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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/992,222	12/17/1997	WILLIAM A. HOBBS	INPA:056	3574

7590

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EXAMINER

WILEY, DAVID ARMAND

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 11/26/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
08/992,222

Applicant(s)
Hobbs et al.

Examiner
David A. Wiley

Art Unit
2155



– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 31, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-14, 16-19, 21-24, and 31-54 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-14, 16-19, 21-24, and 31-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 822
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-33 have been considered but are deemed non persuasive. As per the challenge of examiner's Official Notice, the examiner has provided a reference with the storing of multiple instructions for the purpose of speeding up transfers (Greub 5,086,500). With regards to applicants arguments that Gates fails to teach "one or more phase generators" is not correct. Gates has at least one phase generator that can drive a series of signals, the phase generator of Gates does not simple drive one signal and then shut off, the examiner must treat every claim limitation as broadly as possible to ensure the applicant receives proper patent coverage.

The examiner would further like to express that the applicant is arguing limitaions that are not present in the cliams. The claims must be interpreted as breoadly asd possible by the examiner which is what has ben done in this case.

The applicant is encouraged to define in the claims what the predefined bus transactions and bus stimuli are, as the examiner reads them they are anything that can be transmitted on the bus, which means the applicant is trying to gain coverage for the "instruction memory/buffer" which has been around since the beginging of computers.

Claim Rejections - 35 USC § 103

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2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-6 and 9-14, 16-19, 21-24, 31-54 are rejected under 35 U.S.C. 103(a) as being obvious over Gates (5,701,409).

- a. As for claims 1, 16, 21, 22 and 31-33, Gates teaches a system to test a bus comprising at least one instruction memory to store a predefined bus stimuli instruction and at least one phase generator coupled between the bus and the instruction memory for providing signals to the bus in response to the predefined bus stimuli instruction (abstract) but fails to teach storing more than one command.

Official Notice is taken with regards to the storing of multiple commands in an instruction memory for the purpose of speeding up the time needed to process instructions.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use an instruction memory for multiple instruction, in Gates, to speed up processing.

- b. As for claim 4, it is inherently seen that the IC (phase generator) can also receive signals from the bus.

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- c. As for claims 5, 17 and 23, it is inherently seen that some type of storing of predefined responses must be included for the device to compare results to detect errors.
- d. As for claims 6 and 18, Gates teaches the phase generator includes one digital logic device responsive to the instructions and one phase engine for controlling timing (abstract; col. 2, lines 40-45).
- e. As for claims 9 and 19, Gates teaches a control portion and data portion (col. 5, lines 27-45).
- f. As for claim 10, Gates inherently teaches the control portion includes a flow logic device.
- g. As for claim 11, Gates inherently teaches the phase engine includes at least on logic level translation device.
- h. As for claim 12, it is inherently seen that these phases are included since a PCI bus includes these phases.
- i. As for claims 13, 14, and 24, Gates teaches a data memory coupled to the data portion and that the data portion receives data from the bus (col. 5, lines 27-45).

Regarding claims 34-54, the rejection above covers all the claimed limitations disclosed in these claims.

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4. Claims 3, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gates (5,701,409).

- a. As for claim 3, Gates inherently teaches the instruction comprises an instruction word (col. 2, lines 40-45). Gates doesn't teach that the instruction word has a predefined length. Official Notice is taken that instruction words of predefined lengths are well known in the art. It would have been obvious to a person of ordinary skill in the art, at the time of the invention, to have used instruction words of any length because they are only a matter of computer design.
- b. As for claims 7 and 8, Gates doesn't teach what the digital logic device comprises. Official Notice is taken that FPGA's and ASIC's are well known in the art. It would have been obvious to a person of ordinary skill in the art, at the time of the invention, to have used instruction words of any length because they are only a matter of computer design.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Wiley whose telephone number is (703) 308-5221. The examiner can normally be reached on Monday thru Friday from 7:00 to 4:00.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh, can be reached on (703) 305-9648. The fax phone number for this Group is (703) 305-3718.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ayza.sheikh@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



David A. Wiley

November 16, 2001